

reproducing at least a portion of data recorded on the recording medium further based on a defect list recorded in the second management area when no further recording can be made on the recording medium, wherein the defect list recorded in the second management area is based on a latest second data block recorded in the first management area.

REMARKS

Claims 25, 29-31, 34, 37-54 are pending in the current application. Claims 25, 29-31, 34, 37-47 are amended. Claims 48-54 are newly added.

Claim Rejections – 35 U.S.C. § 103

Claims 25-26 and 28-47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hwang et al. (US 2004/0076096, hereinafter “Hwang”) and in view of Gotoh et al. (US 2001/0043800, hereinafter “Gotoh”).

Claim 1 has been amended and recites: “a first management area storing a first data block including a plurality of sectors and a second data block including a plurality of sectors, the first management area being a temporary defect management area, the first data block having first information including recordation status indicating whether or not each recording unit of the user area has recorded data and the second data block having second information including a defect list, wherein respective last sectors of the first and second data blocks include third information including a first pointer pointing to an address where latest first information is recorded and a second pointer pointing to an address where latest second information is recorded”. The amendments are supported by at least paragraph [0029] and FIG. 1 of Applicants’ originally filed applications. Neither Hwang not Gotoh, alone or in combination, teach these limitations.

Hwang fails to teach either a first or a second data block that “include third information including a first pointer pointing to an address where latest first information is recorded and a second pointer pointing to an address where latest second information is recorded” as claim 25 recites. The Examiner identifies the TDMA illustrated in FIG. 3A of Hwang as corresponding to the first management area recited in claim 1. The Examiner appears to identify the TDDS illustrated in FIG 4A of Hwang as a data block stored in the first management area recited in claim 1. The Examiner asserts the TDDS includes pointers pointing to various addresses in the TDMA (January 6, 2009 Office Action: pg. 3). Applicants note Hwang teaches the TDDS includes pointers corresponding to TDFL information (Hwang: FIG. 5A; [0061]- [0062]). However, Hwang fails to teach that the TDDS is a data block including both “a first pointer pointing to an address where latest first information is recorded and a second pointer pointing to an address where latest second information is recorded” where the first information includes “recording status indicating whether or not each recording unit of the user area has recorded data” and the second information includes a defect list as claim 25 requires. Gotoh likewise fails to teach such a data block. Consequently, neither Hwang, nor Gotoh, alone or in combination teach a first or a second data block that “include third information including a first pointer pointing to an address where latest first information is recorded and a second pointer pointing to an address where latest second information is recorded” as claim 25 recites.

Further, neither Hwang nor Gotoh teach “first information including recording status indicating whether or not each recording unit of the user area has recorded data” as claim 25 recites. The Examiner admits Hwang fails to teach such information (January 6, 2009 Office Action: pg. 3). The Examiner then references a space bit map 141 illustrated in FIG. 1 of Gotoh and asserts that it would have been obvious for one of ordinary skill in the art to combine the space bit map 141 taught by

Gotoh with the defect management structure of Hwang. However, with respect to space bit map 141, Gotoh simply states the following:

In the file structure area 105, a space bit map 141 for managing unallocated areas (which are capable of allowing data to be recorded therein) within the volume space and file management information having a directory structure as shown in FIG. 17 are recorded. (Gotoh: para. [0160])

Gotoh does not teach applying space bit map 141 to a **user data area** as claim 25 requires. Specifically, neither Hwang nor Gotoh, alone or in combination, teach “first information including recordation status indicating whether or not each recording unit **of the user area** has recorded data” (emphasis added) as claim 25 recites.

Further, a person of ordinary skill in the art would not look to combine the space bit map 141 of Gotoh with the TDMA of Hwang at least because Gotoh does not even disclose using space bit map 141 as DMA/TDMA information. Specifically, Gotoh teaches storing space bit map 141 in file structure area 105, not DMA area 102 (Goth: FIG. 1).

Accordingly, for at least the reasons discussed above, the Examiner cannot establish a *prima facie* case of obviousness with respect to claim 25, or any claims depending from claim 25, as is required to support a rejection under §103. Further, claims 31, 34, and 46 have been amended and include limitations at least somewhat similar to those of claim 25. Consequently, at least by virtue of the similarity between claim 25, and claims 31, 34, and 46, the Examiner cannot establish a *prima facie* case of obviousness with respect to any of claims 31, 34, and 46, or any claims depending from claims 31, 34, or 46, as is required to support a rejection under §103.

Therefore, Applicants respectfully request the rejection of claims 25, 29-31, 34, 37-47 under 35 U.S.C. §103 be withdrawn.

New Claims

Claims 48-54 have been newly added. Claims 48-54 contain no new matter. For the reasons stated above, Applicants believe claims 25, 31, 34 and 46 to be allowable over the cited art. Claim 49 contains limitations at least somewhat similar to those of claim 25. Accordingly, at least by virtue of the similarity between claim 25 and claim 49, Applicants believe claim 49 to be allowable over the cited art. Claims 47-48 depend from claim 46; claims 50 and 51 depend from claim 49; claim 52 depends from claim 25; claim 53 depends from claim 31; and claim 54 depends from claim 34. Accordingly, at least by virtue of their dependency from claims 35, 31, 34, 46, and 49, Applicants believe claims 47-48, 50-54 to be allowable over the cited art.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 25, 26 and 28-54 in connection with the present application is earnestly solicited.

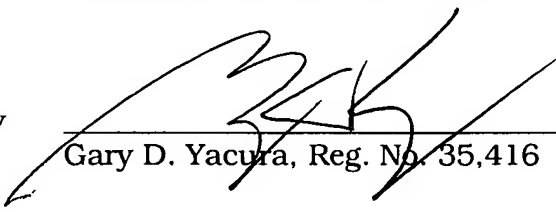
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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